

REMARKS

The Office Action dated January 8, 2010 has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

Claims 9-11 and 19-21 have been cancelled without prejudice or disclaimer. New claims 22 and 23 have been added. No new matter has been added. Therefore, claims 1-8, 12-18, and 22-23 are currently pending in the application and are respectfully submitted for consideration.

Allowable Subject Matter

The Office Action indicated that claim 12 is allowed. Applicants thank the Examiner for the indication of allowability of claim 12.

Claim Rejections Under 35 U.S.C. § 103

The Office Action rejected claims 1-11 and 13-21 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Pimentel (U.S. Publication No. 2003/0214970) (“Pimentel”), in view of Martin (U.S. Publication No. 2003/0055912) (“Martin”). The Office Action took the position that Pimentel discloses all the elements of the claims with the exception of “the bearer independent protocol is above a bearer protocol in a protocol stack.” The Office Action then cited Martin as allegedly curing the deficiencies of

Pimentel. With respect to claims 9-11 and 19-21, these claims have been cancelled, and the cancellation of these claims moots the rejection. With respect to the remaining claims, Applicants respectfully traverse this rejection.

Pimentel generally discusses “a wireless application gateway for communicating between a wireless device and a backend system” (see Pimentel at paragraph [0014]). Specifically, Pimentel describes that the wireless application gateway includes an application programming interface receiving a mobile-terminated message from the backend system and sending a formatted mobile-originated message to the backend system. The wireless application gateway also includes a routing layer selecting a first protocol using a characteristic of the mobile-terminated message, and a protocol layer generating a formatted mobile-terminated message using the first protocol and generating the formatted mobile-originated message using a second protocol. The wireless application gateway also includes a transport layer sending the formatted mobile-terminated message to a short message service center and receiving the mobile-originated message, and a configuration file including a parameter used to choose the first protocol and the second protocol. The mobile-terminated message is sent to the wireless device using a static identifier of the wireless device and the mobile-originated message is sent to the backend system using a dynamic identifier of the wireless device (see *id.*).

Martin generally discusses “controlling characteristics of network connections” (see Martin at paragraph [0002]). More specifically, Martin describes techniques for

controlling a network connection in accordance with connection information associated with a destination location on a network. According to Martin, controlling of the network connection in accordance with connection information associated with the destination location can be achieved through a selection of a network transport (e.g., bearer selection, or through a configuration of parameters associated with the connection (i.e., connection parameters). In either case, the connection information includes information with which the selection of the network transport and/or connection parameters can be made (see Martin at paragraph [0009]).

Applicants respectfully submit that Pimentel and Martin, whether considered individually or in combination, fail to disclose, teach, or suggest, all of the elements of the present claims. For example, the combination of Pimentel and Martin fails to disclose, teach, or suggest, at least, “utilizing a bearer independent protocol between a server and user equipment in a transmission of a messaging service message from a sender in a first system having a first structure for messages to a receiver of a second system having a second structure for the messages,” as recited in independent claim 1, and similarly recited in independent claim 13.

Pimentel describes a transmission between a server and a user equipment, and further describes that the protocols utilized in the transmission are User Datagram Protocol (UDP) and Transmission Control Protocol (TCP) (see Pimentel at paragraphs [0006] and [0033]). These protocols are example of bearers, and thus, Pimentel describes

utilizing a particular bearer dependent protocol in the transmission. Thus, Pimentel fails to disclose or suggest utilizing a bearer independent protocol in a transmission of a message between a server and a user equipment, as recited in independent claim 1, and similarly recited in independent claim 13.

The Office Action also references paragraphs [0014] – [0018] of Pimentel to support its rejection of the claims (see Office Action at page 3). However, this portion of Martin describes that a routing layer of a wireless application gateway selects a protocol and generates a message using the selected protocol (see e.g., Pimentel at paragraph [0014]). Thus, this portion of Pimentel suggests that a protocol conversion is needed because the protocol used in the transmission is bearer dependent. Furthermore, the discussion of generating a message does not, by itself, teach or suggest how the message is transmitted. In addition, in paragraph [0006] of Pimentel, a use of a particular protocol is described. However, the particular protocol is not a transmission protocol since the particular protocol is used over TCP/IP, and TCP is a bearer dependent transmission protocol.

As to independent claim 13, the Office Action refers to another portion of Pimentel, specifically paragraphs [0034-0039] of Pimentel (See Office Action at page 6). However, this portion of Pimentel describes using UDP as a transmission protocol (see e.g., Pimentel at paragraph [0038]). As previously described, UDP is a bearer dependent protocol, as opposed to a bearer independent protocol. Thus, this portion of Pimentel

also fails to disclose or suggest utilizing a bearer independent protocol in a transmission of a message between a server and a user equipment.

As to claim 1, the Office Action continues to allege that paragraphs [0014]-[0017] and [0033] in Pimentel disclose “utilizing a bearer independent protocol” although, as explained in previous responses, and as explained above, these paragraphs describe a bearer dependent protocol. Furthermore, a statement provided by the Office Action (i.e., “a protocol for communicating between a wireless device and server” (see Office Action at page 2), a statement not found in Pimentel, fails to disclose or suggest a bearer independent protocol, since, according to the teaching of Pimentel, a bearer dependent protocol is used.

As to claim 13, the Office Action earlier referred to paragraphs [0030]-[0034] and now refer to paragraphs [0030]-[0037], thereby adding a more detailed description of mobile terminated short messages, which, according to the Office Action discloses a server (see Office Action at page 6). Furthermore, the Office Action states that a “first system to a second system is a multiple integrated networks [sic] to use protocol for between communication, for example: TCP/IP SMS” (see *id.*). While the meaning and purpose of the Office Action’s additional explanation is unclear, Applicants respectfully submit that the protocol used as examples are bearers (i.e., bear dependent protocols). Therefore, this additional explanation emphasizes the fact that Pimentel fails to disclose

or suggest a “bearer independent protocol” as recited in independent claim 1, and similarly recited in independent claim 13.

Furthermore, Martin does not cure the deficiencies of Pimentel. The Office Action alleged that Martin discloses an “independent protocol defined by protocols” (see Office Action at pages 6-7). However, the disclosure of Martin fails to use the term “independent”, and further fails to use the terms “protocol defined by protocols” and “protocol defined.” Applicant is unable to find any such citation in Martin. Applicants respectfully submits that Martin et al. fails to teach or suggest these features. If the Examiner disagrees, Applicant respectfully requests that the Examiner clearly point out the portion(s) of Martin that allegedly define and discuss an “independent protocol,” using specific quotations to actual text of Martin.

The Office Action referred to paragraphs [0006] and [0087]-[0089] of Martin in rejecting the above-recited claim features. However, the cited sections of Martin do not teach or suggest that a bearer independent protocol is utilized in transmission between a server and user equipment. Accordingly, the cited section of Martin does not disclose or suggest that a bearer independent protocol is above a bearer protocol in a protocol stack.

More precisely, the referenced paragraphs of Martin discuss the following:

- Paragraph [0006] discusses that protocol stacks may be configured with different parameters such as re-transmission timers and circuit linger timers, where the parameters affect the quality of service;
- Paragraph [0087] discusses a gateway having at least two different interfaces to access corresponding bearers (UDP and HTTP, replaceable by

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another bearer if used) and a server module that converts a message received from one interface (in a form required by the corresponding bearer) to a form required by the other interface (and corresponding other bearer) before forwarding the message;

- Paragraph [0088] discusses that a mobile device of Fig. 7B can correspond to a remote computing device 616 of Fig. 6A; and
- Paragraph [0089] discusses that the mobile device uses UDP bearer to communicate via the gateway. Therefore the browser (an example of being HDML web browser) uses a UDP bearer (paragraph [0051] discusses that if there is only one bearer, the browser uses it, and paragraph [0058] discusses how to select a bearer if many are available).

Martin further discusses that a connection between the mobile device and a server is always established via the gateway, the selected bearer protocol is used between the mobile device and the gateway and the gateway performs a protocol conversion if another bearer is used between the gateway and the server. In summary, Martin discusses that each network has its own protocol stack that depends on the bearer; in other words, the protocols are bearer dependent. Further, Martin discusses that a UDP interface and an HTTP interface are particularly used for respective communication protocols and a protocol conversion between UDP and HTTP is to be performed. Thus, Martin fails to disclose or suggest a bearer independent protocol, and further disclose to teach or suggest that the bearer independent protocol is above a bearer protocol in a protocol stack.

Applicants respectfully submit that if the Examiner is alleging that Martin discloses “independent protocol defined by protocols,” the Examiner should identify the portion(s) of Martin that allegedly disclose this feature using specific quotations to actual

text of Martin. Applicants further submit that the words “independent protocol” are not disclosed in Martin, and that, as described above, Martin teaches the use of bearer-dependent protocols. For example, Martin discloses that a bearer is a network and protocol suite that provides a predefined communication service over the network, and that when a decision block determines that multiple bearers are available, a network browser requesting that one of the available bearers be selected (see e.g., Martin at paragraph [0051]). As to the Handheld Device Markup Language (HDML) described in Martin, which is cited by the Office Action, it is used by a client module, which is configured to use UDP in communication, so the HDML is not used in message transmission over the network.

Therefore, the combination of Pimentel and Martin fails to disclose, teach, or suggest, all of the elements of independent claims 1 and 13.

Claims 2, 5, 6, 14 and 15 also recite a bearer independent protocol. As discussed above, Pimentel is silent as to a bearer independent protocol. Instead, Pimentel discusses using either TCP or UDP (see Pimentel at paragraphs [0031]-[0033]). As also discussed above, Martin fails to cure the deficiencies of Pimentel. Thus, the combination of Pimentel and Martin also fails to disclose, teach, or suggest, all the elements of claims 2, 5, 6, 14, and 15.

With respect to claim 3, Pimentel is silent as to a bearer independent protocol. Further, Pimentel is silent on transmitting a message from a sender’s equipment to a

receiver's equipment. The backend system is discussed in Pimentel to be a place where a mobile originating message, targeted to a receiver, is transferred to a mobile terminating message that is forwarded to the receiver. As also discussed above, Martin fails to cure the deficiencies of Pimentel. Thus, the combination of Pimentel and Martin also fails to disclose, teach, or suggest, all the elements of claim 3.

With respect to claims 4, 7, and 16, Pimentel fails to teach or suggest that a message is converted to another protocol in response to the failure of the transfer of the message. Rather, Pimentel discusses generating an MO message to inform the result (success or failure) of a transfer of an MT message. However, that does not teach or suggest that the MT message is converted to another protocol in response to the failure of the transfer of the MT message. Martin fails to cure these deficiencies in Pimentel. Thus, the combination of Pimentel and Martin also fails to disclose, teach, or suggest, all the elements of claims 4, 7, and 16.

With respect to claims 8 and 18, Pimentel discusses UDP/IP as a transmission service. In paragraph [0043], for example, a message may be stored. However, the message is transmitted in the form it was stored in the receiver. This is contrary to the claimed features of sending an address to receiver's equipment and reading the content by using the address. Martin fails to cure these deficiencies in Pimentel. Thus, the combination of Pimentel and Martin also fails to disclose, teach, or suggest, all the elements of claims 8 and 18.

With respect to claim 10, Applicants respectfully request that the Examiner more precisely point out what structure in Pimentel allegedly corresponds to a first network node in a first system, and what corresponds to the first system and the second system. Applicants are unable to definitively determine this from the citation and do not believe that Fig. 5 and paragraphs [0030]-[0035] teach or suggest the claimed features.

Furthermore, claims 2-8 and 16-18 depend upon independent claim 1. Claims 14-15 depend upon independent claim 13. Thus, Applicants respectfully submit that claims 2-8, and 14-18 should be allowed for at least their dependence upon their respective independent claim, and for the specific elements recited therein.

Accordingly, Applicants respectfully request that this rejection be withdrawn.

Based on the above discussion, Applicants respectfully submit that the cited prior art references fail to disclose or suggest all of the elements of the claimed invention. These distinctions are more than sufficient to render the claimed invention unanticipated and unobvious. It is therefore respectfully requested that all of claims 1-8, 12-18, and 22-23 be allowed, and this application passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicants' undersigned representative at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,

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Enclosures: Petition for Extension of Time